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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

02/17/2009

FROMMER LAWRENCE & HAUG LLP
10TH FLOOR
745 FIFTH AVENUE
NEW YORK, NY 10151

EXAMINER

MISLEH, JUSTIN P

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 02/17/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/06,710	11/12/2003	Herman Scherling	450100-04469.1	8587
TITLE OF INVENTION: OPTICAL IMAGE RECORDING SYSTEM, AND ASSOCIATED PROCESSING SYSTEM				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	05/18/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 02/17/2009

FROMMER LAWRENCE & HAUG LLP
10TH FLOOR
745 FIFTH AVENUE
NEW YORK, NY 10151

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10706,710 11/12/2003

Herman Scherling

450100-04469.1

8587

TITLE OF INVENTION: OPTICAL IMAGE RECORDING SYSTEM, AND ASSOCIATED PROCESSING SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional

NO

\$1510

\$300

\$0

\$1810

05/18/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
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MISLEH, JUSTIN P

2622

348-335000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date

Typed or printed name

Registration No.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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EXAMINER

MISLEH, JUSTIN P

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1169 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1169 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/706,710

Applicant(s)

SCHERLING, HERMAN

Examiner

JUSTIN P. MISLEH

Art Unit

2622

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 2-4, 7-12, 14-22, 28-32, 35-40 and 42-50 (now respectively renumbered 2-4, 5-10, 11-14, 17, 18, 15, 16, 19, 1, 20, 21, 23-31, 35, 36, 34, 37, 38, 33, 32 and 22).

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/213,434.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 23, 2008 has been entered.

EXAMINER'S AMENDMENT

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this Examiner's Amendment was given in a telephone interview with Thomas F. Presson on February 10, 2009.
4. Please **REPLACE THE CLAIMS** as follows:

"1. (Cancelled)

2. The system according to claim 28, wherein the lens system comprises an additional reflective element folding the second optical axis into an optical axis of an image recording device.

3. The system according to claim 28, wherein the first optical axis and the second optical axis form an angle equal to or less than 90 degrees.

4. The system according to claim 28, wherein the second optical axis and an optical axis of an image recording device form an angle equal to or less than 90 degrees.

5-6. (Canceled).

7. The system according to claim 28, wherein an image recording device is a charge coupled device.

8. The system according to claim 28,
wherein the lens system has a ratio of an optical system height divided by a diameter of a circumferential circle of a formed image less than 4. ;

9. The system according to claim 28, wherein a height ratio of an effective lens height and an effective focal length of the lens system is less than 1.7.

10. The system according to claim 28, wherein a height of a body is less than 20 mm.

11. The system according to claim 28, wherein the front lens group and the reflective element consist of a prism.

12. The system according to claim 28, wherein an additional reflective element consist of a prism.

13. (Canceled)

14. The system according to claim 28, further comprising a body further comprising means for storing, transferring and receiving electronic signals of optical information and other information to and from an external device.

15. The system according to claim 14, wherein the means for transferring and receiving electronic signals comprise a connector device having a databus interface.

16. The system according to claim 15, wherein the connector device is accommodated in an end face of said body.

17. The system according to claim 14, wherein the storage means for storing the electronic signals consist of an exchangeable memory.

18. The system according to claim 28, wherein a body further comprises means for storing electronic signals of control information for controlling the operation of an external device.

19. The system according to claim 18, which comprises means for loading the control information into the external device.

20. The system according to claim 14, wherein the means for transferring electronic signals comprise a wireless transmitter of analogue and/or digital transmission.

21. The system according to claim 14, wherein the means for receiving electronic signals comprises a wireless receiver of analog and/or digital transmission.

22. The system according to claim 28, wherein a body further comprises guiding means.

23-27. (Cancelled)

28. A lens system comprising:

a front lens group having a first optical axis;

a back lens group having a second optical axis,

wherein a lens in the back lens group, which is closest to the front lens

Art Unit: 2622

group, is positioned at the cut off portion of front lens group,

wherein the first optical axis is substantially parallel with a height direction of the lens system,

wherein the second optical axis is substantially parallel with a length direction of the lens system so that a plurality of lenses are included in the back lens group without increasing the height of the lens system, and

wherein the back lens group includes an aperture stop having surface substantially perpendicular with the second optical axis;

a reflective element folding said first optical axis into said second optical axis in an angle of less than 180 degrees;

_____ wherein at least one lens adjacent to said reflective element is a non-rotary symmetrical lens.

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29. An optical image recording system for electric recording of optical information, the optical image recording system comprising:

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a lens system and a body; and

wherein the lens system comprises:

a front lens group having a first optical axis;

a back lens group having a second optical axis,

wherein a lens in the back lens group, which is closest to the front lens group, is positioned at the cut off portion of front lens group,

wherein the first optical axis is substantially parallel with a height direction of the lens system,

wherein the second optical axis is substantially parallel with a length direction of the lens system so that a plurality of lenses are included in the back lens group without increasing the height of the lens system, and

wherein the back lens group includes an aperture stop having surface substantially perpendicular with the second optical axis;

a reflective element folding said first optical axis into said second optical axis in an angle of less than 180 degrees;

wherein at least one lens adjacent to said reflective element is a non-rotary symmetrical lens.

30. The system according to claim 29, wherein the lens system comprises an additional reflective element folding the second optical axis into the optical axis of an image recording device.

31. The system according to claim 29, wherein the first optical axis and the second optical axis form an angle equal to or less than 90 degrees.

32. The system according to claim 29, wherein the second optical axis and an optical axis of an image recording device form an angle equal to or less than 90 degrees.

33-34. (Canceled)

35. The system according to claim 29, wherein an image recording device is a charge coupled device.

36. The system according to claim 29, wherein the lens system has a ratio of an optical system height divided by the diameter of the circumferential circle of the formed image less than 4.

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37. The system according to claim 29, wherein a height ratio of the effective lens height and the effective focal length of the lens system is less than 1.7.

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38. The system according to claim 29, wherein the height of said body is less than 20 mm.

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39. The system according to claim 29, wherein the front lens group and the reflective element consist of a prism.

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40. The system according to claim 29, wherein an additional reflective element consists of a prism.

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41. (Canceled)

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42. The system according to claim 29, wherein said body further comprises means for storing, transferring and receiving electronic signals of optical information and other information to and from an external device.

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43. The system according to claim 42, wherein the means for transferring and receiving electronic signals comprise a connector device having a databus interface.

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44. The system according to claim 43, wherein the connector device is accommodated in an end face of said body.

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45. The system according to claim 42, wherein the storage means for storing the electronic signals consist of an exchangeable memory.

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46. The system according to claim 29, wherein the body further comprises means for storing electronic signals of control information for controlling the operation of the external device.

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47. The system according to claim 46, which further comprises means for loading the control information into the external device.

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48. The system according to claim 42, wherein the means for transferring electronic signals comprise a wireless transmitter of analogue and/or digital transmission.

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49. The system according to claim 42, wherein the means for receiving electronic signals comprises a wireless receiver of analog and/or digital transmission.

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50. The system according to claim 30, wherein said body further comprises guiding means."

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Allowable Subject Matter

5. Claims 2-4, 7-12, 14-22, 28-32, 35-40 and 42-50 (now respectively renumbered 2-4, 5-10, 11-14, 17, 18, 15, 16, 19, 1, 20, 21, 23-31, 35, 36, 34, 37, 38, 33, 32 and 22) are allowed.

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6. The following is an Examiner's statement of reasons for allowance:

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The closest prior art discloses an optical image recording system for electric recording of optical information, where the optical image recording system includes a lens system and a body, wherein the lens system includes: a front lens group with a first optical axis; a back lens group having a second optical axis; wherein a lens in the back lens group, which is closest to the front lens group, is positioned at the cut off portion of front lens group; and a reflective element folding said first optical axis into the second optical axis in an angle of less than 180 degrees; and wherein at least one lens adjacent to the reflective element (internal reflecting surface of G1) is a non-rotary symmetrical lens.

However, the closest prior art does not further teach or fairly suggest wherein the first optical axis is substantially parallel with a height direction of the lens system, wherein the second optical axis is substantially parallel with a length direction the lens system so that a plurality of lenses are included in the back lens group without increasing the height of the lens system, and wherein the back lens group includes an aperture stop having a surface substantially perpendicular with the second optical axis.

7. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David Ometz can be reached on 571.272.7593. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2622

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Justin P. Misleh/
Primary Examiner
Group Art Unit 2622
February 17, 2009**